

**UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF CALIFORNIA**

## **TRISHA MEJIA DONNELL ,**

NO. 2:21-CV-01974-KJM-CKD PS

**Plaintiff(s),**

## ORDER SETTING STATUS CONFERENCE

V.

**CALIFORNIA HIGHWAY PATROL, ET AL.,**

Defendant(s).

This action has been assigned to District Judge Kimberly J. Mueller and Magistrate Judge

Carolyn K. Delaney. Because at least one party is self-represented (proceeding "pro se"), the

Magistrate Judge will (1) resolve any non-dispositive matters, and (2) conduct all hearings and issue findings and recommendations on any dispositive matters. See Local Rule 302(c)(21).

Should the parties wish to consent to the jurisdiction of the Magistrate Judge for *all* purposes, including for the entry of final judgment, they may do so using the attached "Consent/Decline" form.

See 28 U.S.C. §636(c). There is no obligation to consent, and under Federal Rule of Civil

Procedure 73(b)(1), the judges handling the case will not be notified of a party's designation unless all parties have consented. However, because a consent/decline designation assists the court in determining how the action will be administratively processed, the parties are instructed to complete the Consent/Decline form and file it with the Clerk of the Court *within 30 days of service of process*.

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1 Pursuant to the provisions of Federal Rule of Civil Procedure 16 and Local Rule 240,

2 IT IS HEREBY ORDERED:

3       1. If plaintiff initiated this action in this court, the Clerk of the Court is directed to send to  
4 plaintiff (i) one copy of this order, (ii) one summons for each named defendant; and (iii) one copy  
5 of the Consent/Decline form for each named party. In that case, plaintiff shall complete service of  
6 process on defendants named in the complaint within 90 days from the date of this order. Along  
7 with the service documents, plaintiff shall provide each defendant with a copy of this order and a  
8 copy of the Consent/Decline form. *Within 10 days after the service of process, plaintiff shall*  
9 *file with the Clerk a certificate reflecting such service.* Plaintiff is cautioned that this action may  
10 be dismissed if service of process is not accomplished within 90 days from the date that the complaint  
11 is filed. See Federal Rule of Civil Procedure 4(m).<sup>1</sup>

12       2. Within 30 days after defendant answers, the parties shall meet and confer in person  
13 about the mandatory disclosures required by Federal Rule of Civil Procedure 26.

14       3. A Status (Pretrial Scheduling) Conference is set for Wednesday, March 16, 2022  
15 at 10:00 a.m. in Courtroom No. 24 before Magistrate Judge Delaney. All parties shall appear by  
16 counsel or in person if acting without counsel.

17       4. Not later than fourteen (14) days prior to the Status Conference, the parties shall  
18 file a joint status report addressing the following matters:

- 19           a. Service of process;
- 20           b. Possible joinder of additional parties;
- 21           c. Any expected or desired amendment of the pleadings;
- 22           d. Jurisdiction and venue;
- 23           e. Anticipated motions and their scheduling;
- 24           f. The report required by Federal Rule of Civil Procedure 26 outlining the proposed  
discovery plan and its scheduling, including disclosure of expert witnesses;

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27       <sup>1</sup>In the alternative, if this action was originally filed in state court and removed to this court, then  
the removing party shall immediately serve upon each of the other parties, and upon all parties  
subsequently joined, a copy of this order and a copy of the Consent/Decline form, and shall file with  
the Clerk a notice that these parties have been served.

- 1           g. Future proceedings, including setting appropriate cut-off dates for discovery and  
2           law and motion, and the scheduling of a pretrial conference and trial;  
3           h. Special procedures, if any;  
4           i. Estimated trial time;  
5           j. Modification of standard pretrial procedures specified by the rules due to the  
6           simplicity or complexity of the proceedings;  
7           k. Whether the case is related to any other cases, including bankruptcy;  
8           l. Whether a settlement conference should be scheduled;  
9           m. Whether counsel will stipulate to the magistrate judge assigned to this matter  
10           acting as settlement judge or whether they prefer to have a settlement conference  
11           before another judge;  
12           n. Any other matters that may add to the just and expeditious disposition of this  
13           matter.

14           5. Plaintiff and counsel are reminded of their continuing duty to notify chambers  
15           immediately of any settlement or other disposition (see Local Rule 160).

16           6. The parties are cautioned that pursuant to Local Rule 230(c), opposition to the granting  
17           of a motion must be filed fourteen days preceding the noticed hearing date. The Rule further provides  
18           "[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written  
19           opposition to the motion has not been timely filed by that party." In addition, Local Rule 230(i)  
20           provides that failure to appear may be deemed withdrawal of opposition to the motion or may result  
21           in sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules "may be  
22           grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent  
23           power of the Court."

24           7. Failing to obey federal or local rules, or orders of this court, may result in dismissal of  
25           the action. This court will construe pro se pleadings liberally, but even pro se litigants must comply  
26           with the procedural rules.

27           DATE: October 25, 2021

28           CAROLYN K. DELANEY  
                 UNITED STATES MAGISTRATE JUDGE